

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-1221-MLM-E **TCEQ ID:** RN102352168 **CASE NO.:** 36232  
**RESPONDENT NAME:** City of Victoria

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Victoria Brush Site, 10086 Houston Highway, Victoria, Victoria County</p> <p><b>TYPE OF OPERATION:</b> Brush site</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 22, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Charles Windwehen, City Manager, City of Victoria, P.O. Box 1758, Victoria, Texas 77902  Mr. Darryl Lesak, Assistant Director of Environmental Services, City of Victoria, P.O. Box 1758, Victoria, Texas 77902  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 13, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 20, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to prevent outdoor burning at the Site. Specifically, the investigator documented piles of mulch which were smoldering at the time of the investigation [30 TEX. ADMIN. CODE § 111.201].</p> <p>2) Failure to operate the trench burner between the hours of 8:00 a.m. and 6:00 p.m. Specifically, a review of investigation records indicated the trench burner was operated outside the required hours of operation on April 10, 11, 28, 29, and May 3, 6, 8, and 9, 2008 [30 TEX. ADMIN. CODE § 106.496(4)].</p> <p>3) Failure to keep the blower on until all material in the pit is consumed [30 TEX. ADMIN. CODE § 106.496(6)<sup>1</sup>].</p> <p>4) Failure to limit the material being burned to trees, brush and lumber. Specifically, the material in the pit also consisted of pipe, scrap metal and bricks [30 TEX. ADMIN. CODE § 106.496(9)].</p> <p>[1] 30 TEX. ADMIN. CODE § 106.496(6) is now found at 30 TEX. ADMIN. CODE § 106.496(c)(3)(E) adopted to be effective June 30, 2004, 29 TEXREG 6094</p> <p><b>WASTE</b></p> <p>5) Failure to prevent the unauthorized disposal of municipal solid waste.</p>	<p><b>Total Assessed:</b> \$3,850</p> <p><b>Total Deferred:</b> \$770  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,080</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent provided information to the TCEQ Corpus Christi Regional Office on May 26, 2008, indicating that the following corrective measures at the Site have been implemented:</p> <p>a. Extinguished all outdoor burning at the Site and developed and implemented procedures to prevent the recurrence of outdoor burning;</p> <p>b. Reviewed the rules of operation with the Site operator to ensure that operation of the trench burner is limited to the hours required by the rules;</p> <p>c. Reviewed the rules of operation to ensure that the blower remains on until all of the material in the pit is consumed; and</p> <p>d. Contacted the contractor to ensure that the only material accepted for burning is limited to trees, brush and untreated lumber as required by the rules.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, dispose of ash generated from the trench burner operation; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

<p>Specifically, approximately one cubic yard of wood ash was removed from each of the three trench burner pits and spread on the ground outside the pit areas [30 TEX. ADMIN. CODE § 330.15(c) and 330.15(a)(3)].</p>		
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Additional ID No(s): TCEQ Air Registration No. 38843





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	23-Jun-2008		
	<b>PCW</b>	23-Jul-2008	<b>Screening</b>	17-Jul-2008
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	City of Victoria		
<b>Reg. Ent. Ref. No.</b>	RN102352168		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36232	<b>No. of Violations</b>	5
<b>Docket No.</b>	2008-1221-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	MSW	<b>Enf. Coordinator</b>	Michael Meyer
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$4,800
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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**Notes** There were no NOVs or orders issued during the previous five years.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$950
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$5  
 Approx. Cost of Compliance \$1,025  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,850
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$3,850

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,850
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$770
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$3,080
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<b>Screening Date</b>	17-Jul-2008	<b>Docket No.</b>	2008-1221-MLM-E	<b>PCW</b>
<b>Respondent</b>	City of Victoria			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	36232			PCW Revision June 12, 2008
<b>Reg. Ent. Reference No.</b>	RN102352168			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Michael Meyer			

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

There were no NOVs or orders issued during the previous five years.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

<b>Screening Date</b> 17-Jul-2008 <b>Respondent</b> City of Victoria <b>Case ID No.</b> 36232 <b>Reg. Ent. Reference No.</b> RN102352168 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> Michael Meyer <b>Violation Number</b> <input type="text" value="1"/> <b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 111.201"/> <b>Violation Description</b> <input type="text" value="Failed to prevent outdoor burning at the Site, as documented during an investigation conducted on May 13, 2008. Specifically, the investigator documented piles of mulch which were smoldering at the time of the investigation."/>	<b>Docket No.</b> 2008-1221-MLM-E <div style="text-align: right;"><b>PCW</b></div> <small>Policy Revision 2 (September 2002) PCW Revision June 12, 2008</small>																										
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<b>Economic Benefit (EB) for this violation</b>																											
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Statutory Limit Test</b>																									
<b>Violation Final Penalty Total</b>		<input type="text" value="\$750"/>																									
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$750"/>																									

## Economic Benefit Worksheet

**Respondent:** City of Victoria  
**Case ID No.:** 36232  
**Reg. Ent. Reference No.:** RN102352168  
**Media:** Air  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	13-May-2008	26-May-2008	0.04	\$0	n/a	\$0

Notes for DELAYED costs

Developed and implemented procedures to prevent the recurrence of outdoor burning at the Site. The Date Required is the investigation date and Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$200	<b>TOTAL</b>	\$0
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<b>Screening Date</b> 17-Jul-2008	<b>Docket No.</b> 2008-1221-MLM-E	<b>PCW</b>			
<b>Respondent</b> City of Victoria		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 36232		<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102352168					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Michael Meyer					
<b>Violation Number</b> 2					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 106.496(4)				
<b>Violation Description</b>	Failed to operate the trench burner between the hours of of 8:00 a.m. and 6:00 p.m., as documented during an investigation conducted on May 13, 2008. Specifically, a review of investigation records indicated the trench burner was operated outside the required hours of operation on April 10, 11, 28, 29 and May 3, 6, 8 and 9, 2008.				
	<b>Base Penalty</b>	\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	
<b>Matrix Notes</b>	At least 70 percent of the rule requirement was met.				
	<b>Adjustment</b>	\$9,900			
		\$100			
<b>Violation Events</b>					
	<b>Number of Violation Events</b>	<input type="text" value="8"/>		<input type="text" value="8"/>	<b>Number of violation days</b>
	<i>mark only one with an x</i>	daily	<input type="text"/>		<b>Violation Base Penalty</b>
		monthly	<input type="text"/>		
		quarterly	<input type="text"/>		
		semiannual	<input type="text"/>		
		annual	<input type="text"/>		
		single event	<input checked="" type="text" value="X"/>		
	Eight single events are recommended for April 10, 11, 28, 29 and May 3, 6, 8 and 9, 2008.				
<b>Good Faith Efforts to Comply</b>					
		<input type="text" value="25.0%"/>	<b>Reduction</b>	\$200	
		Before NOV	NOV to EDRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input checked="" type="text" value="X"/>	<input type="text"/>		
	N/A	<input type="text"/>	(mark with x)		
	<b>Notes</b>	On May 26, 2008 the Respondent provided the TCEQ with documentation demonstrating compliance.			
	<b>Violation Subtotal</b>	\$600			
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
	<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	\$600	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$600

## Economic Benefit Worksheet

**Respondent** City of Victoria  
**Case ID No.** 36232  
**Reg. Ent. Reference No.** RN102352168  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	13-May-2008	26-May-2008	0.04	\$0	n/a	\$0

**Notes for DELAYED costs**

Developed and implemented procedures to ensure that operation of the trench burner is limited to hours required by the rules. The Date Required is the investigation date and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$250

**TOTAL**

\$0

<b>Screening Date</b> 17-Jul-2008	<b>Docket No.</b> 2008-1221-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Victoria		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36232		<small>PCW Revision June 12, 2008</small>
<b>Reg. Ent. Reference No.</b> RN102352168		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Michael Meyer		
<b>Violation Number</b> 3		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 106.496(6)	
<b>Violation Description</b>	Failed to keep the blower on until all material in the pit is consumed, as documented during an investigation conducted on May 13, 2008.	
	<b>Base Penalty</b>	\$10,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
		Major	Moderate		Minor
	<b>Actual</b>				x
	<b>Potential</b>				
				<b>Percent</b> 10%	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.				
					<b>Adjustment</b> \$9,000

**Violation Events**

<b>Number of Violation Events</b> 1		<b>Number of violation days</b> 65													
<small>mark only one with an x</small>	<table style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="border: 1px solid black; width: 40px;"></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="border: 1px solid black; text-align: center;">x</td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">annual</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">single event</td><td style="border: 1px solid black;"></td></tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b>	\$1,000
daily															
monthly															
quarterly	x														
semiannual															
annual															
single event															
One quarterly event is recommended from the May 13, 2008 investigation to the date of compliance.															

**Good Faith Efforts to Comply** 25.0% Reduction Before NOV NOV to EDRP/Settlement Offer \$250

	Extraordinary	Before NOV	NOV to EDRP/Settlement Offer	
	Ordinary	x		
	N/A		(mark with x)	
<b>Notes</b>	On May 26, 2008 the Respondent provided the TCEQ with documentation demonstrating compliance.			
				<b>Violation Subtotal</b> \$750

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

<b>Estimated EB Amount</b> \$1	<b>Violation Final Penalty Total</b> \$750
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$750	

## Economic Benefit Worksheet

**Respondent** City of Victoria  
**Case ID No.** 36232  
**Reg. Ent. Reference No.** RN102352168  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	13-May-2008	28-May-2008	0.04	\$1	n/a	\$1

Notes for DELAYED costs

Develop and implement procedures to ensure the blower remains on until all material in the pit is consumed. The Date Required is the investigation date and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$1

<b>Screening Date</b> 17-Jul-2008	<b>Docket No.</b> 2008-1221-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Victoria		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36232		<i>PCW Revision June 12, 2008</i>
<b>Reg. Ent. Reference No.</b> RN102352168		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Michael Meyer		
<b>Violation Number</b> 4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 106.496(9)	
<b>Violation Description</b>	Failed to limit the material being burned to trees, brush and lumber, as documented during an investigation conducted on May 13, 2008. Specifically, the material in the pit also consisted of pipe, scrap metal and bricks.	
	<b>Base Penalty</b>	\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	<b>Percent</b>	10%
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	<b>Percent</b>	0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.	
	<b>Adjustment</b>	\$9,000
		\$1,000
<b>Violation Events</b>		
<b>Number of Violation Events</b>	1	<b>Number of violation days</b> 13
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>
	<b>Violation Base Penalty</b>	\$1,000
	One quarterly event is recommended from the May 13, 2008 investigation to the date of compliance (May 26, 2008).	
<b>Good Faith Efforts to Comply</b>		
	25.0% Reduction	\$250
	Before NOV    NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/> <input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/> <input type="checkbox"/>	
N/A	<input type="checkbox"/> (mark with x)	
<b>Notes</b>	On May 26, 2008 the Respondent provided the TCEQ with documentation demonstrating compliance.	
	<b>Violation Subtotal</b>	\$750
<b>Economic Benefit (EB) for this violation</b>		
<b>Estimated EB Amount</b>	\$0	<b>Violation Final Penalty Total</b> \$750
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$750	

### Economic Benefit Worksheet

**Respondent:** City of Victoria  
**Case ID No.:** 36232  
**Reg. Ent. Reference No.:** RN102352168  
**Media:** Air  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

#### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	13-May-2008	26-May-2008	0.04	\$0	n/a	\$0

**Notes for DELAYED costs**

Developed and implemented procedures to ensure that material being burned is limited to trees, brush and untreated lumber. The Date Required is the investigation date and the Final Date is the date of compliance.

#### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$250

**TOTAL**

\$0

<b>Screening Date</b> 17-Jul-2008	<b>Docket No.</b> 2008-1221-MLM-E	<b>PCW</b>	
<b>Respondent</b> City of Victoria		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36232		<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN102352168			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Michael Meyer			
<b>Violation Number</b> <input type="text" value="5"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 330.15(c) and 330.15(a)(3)"/>		
<b>Violation Description</b>	<input type="text" value="Failed to prevent the unauthorized disposal of municipal solid waste, as documented during an investigation conducted on May 13, 2008. Specifically, approximately one cubic yard of wood ash was removed from each of three trench burner pits and spread on the ground outside the pit areas."/>		
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major    Moderate    Minor	
	Actual	<input type="text" value=""/>	<input type="text" value="x"/>
	Potential	<input type="text" value=""/>	<input type="text" value=""/>
		<b>Percent</b>	<input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>
		Minor	<input type="text" value=""/>
		<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	<input type="text" value="Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels."/>		
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>	
		<b>Subtotal</b>	<input type="text" value="\$1,000"/>
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>
		<input type="text" value="65"/>	
<i>mark only one with an x</i>	daily	<input type="text" value=""/>	
	monthly	<input type="text" value=""/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text" value=""/>	
	annual	<input type="text" value=""/>	
	single event	<input type="text" value=""/>	
		<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>
	<input type="text" value="One quarterly event is recommended from the May 13, 2008 investigation to the July 17, 2008 screening date."/>		
<b>Good Faith Efforts to Comply</b>		<b>0.0% Reduction</b>	<b>\$0</b>
		Before NOV	NOV to EDRP/Settlement Offer
	Extraordinary	<input type="text" value=""/>	<input type="text" value=""/>
	Ordinary	<input type="text" value=""/>	<input type="text" value=""/>
	N/A	<input checked="" type="checkbox"/>	(mark with x)
<b>Notes</b>	<input type="text" value="The Respondent has not met the good faith criteria."/>		
	<b>Violation Subtotal</b>	<input type="text" value="\$1,000"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
	<b>Estimated EB Amount</b>	<input type="text" value="\$3"/>	<b>Violation Final Penalty Total</b>
			<input type="text" value="\$1,000"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,000"/>

## Economic Benefit Worksheet

**Respondent** City of Victoria  
**Case ID No.** 36232  
**Reg. Ent. Reference No.** RN102352168  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$75	13-May-2008	28-Feb-2009	0.80	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of approximately three cubic yards of wood ash. The Date Required is the investigation date and the Final Date is the projected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$75

TOTAL \$3

# Compliance History

Customer/Respondent/Owner-Operator: CN600243257 City of Victoria Classification: AVERAGE Rating: 1.82  
Regulated Entity: RN102352168 CITY OF VICTORIA BRUSH SITE Classification: Site Rating:  
ID Number(s): AIR NEW SOURCE PERMITS REGISTRATION 38843  
Location: 10086 HOUSTON HWY, VICTORIA, TX, 77901 Rating Date: 9/1/2007 Repeat Violator: NO  
TCEQ Region: REGION 14 - CORPUS CHRISTI  
Date Compliance History Prepared: August 01, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 02, 2008 to August 01, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Michael Meyer Phone: (512) 239-4492

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1. 05/13/2008 (671695)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF VICTORIA  
RN102352168

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1221-MLM-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Victoria ("the City") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a brush site at 10086 Houston Highway in Victoria, Victoria County, Texas (the "Site").
2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Site involves or involved the management of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
4. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
5. The City received notice of the violations alleged in Section II ("Allegations") on or about June 25, 2008.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



7. An administrative penalty in the amount of Three Thousand Eight Hundred Fifty Dollars (\$3,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Three Thousand Eighty Dollars (\$3,080) of the administrative penalty and Seven Hundred Seventy Dollars (\$770) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
8. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
9. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that the City provided information to the TCEQ Corpus Christi Regional Office on May 26, 2008 indicating that the following corrective measures at the Site have been implemented:
  - a. Extinguished all outdoor burning at the Site and developed and implemented procedures to prevent the recurrence of outdoor burning;
  - b. Reviewed the rules of operation with the Site operator to ensure that operation of the trench burner is limited to the hours required by the rules;
  - c. Reviewed the rules of operation to ensure that the blower remains on until all of the material in the pit is consumed; and
  - d. Contacted the contractor to ensure that the only material accepted for burning is limited to trees, brush and untreated lumber as required by the rules.
11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Site, the City is alleged to have:

1. Failed to prevent outdoor burning at the Site, in violation of 30 TEX. ADMIN. CODE § 111.201, as documented during an investigation conducted on May 13, 2008. Specifically, the investigator documented piles of mulch which were smoldering at the time of the investigation.



2. Failed to operate the trench burner between the hours of 8:00 a.m. and 6:00 p.m., in violation of 30 TEX. ADMIN. CODE § 106.496(4), as documented during an investigation conducted on May 13, 2008. Specifically, a review of investigation records indicated the trench burner was operated outside the required hours of operation on April 10, 11, 28, 29 and May 3, 6, 8 and 9, 2008.
3. Failed to keep the blower on until all material in the pit is consumed, in violation of 30 TEX. ADMIN. CODE § 106.496(6)<sup>1</sup> as documented during an investigation conducted on May 13, 2008.
4. Failed to limit the material being burned to trees, brush and lumber, in violation of 30 TEX. ADMIN. CODE § 106.496(9), as documented during an investigation conducted on May 13, 2008. Specifically, the material in the pit also consisted of pipe, scrap metal and bricks.
5. Failed to prevent the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(c) and 330.15(a)(3), as documented during an investigation conducted on May 13, 2008. Specifically, approximately one cubic yard of wood ash was removed from each of the three trench burner pits and spread on the ground outside the pit areas.

### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section-II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Victoria, Docket No. 2008-1221-MLM-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this agreed order, dispose of ash generated from the trench burner operation, in accordance with the requirements of 30 TEX. ADMIN. CODE § 106.496(f)(2);

[1] 30 TEX. ADMIN. CODE § 106.496(6) is now found at 30 TEX. ADMIN. CODE § 106.496(c)(3)(E) adopted to be effective June 30, 2004, 29 TEXREG 6094



- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Waste Section, Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.



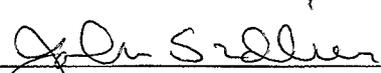
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

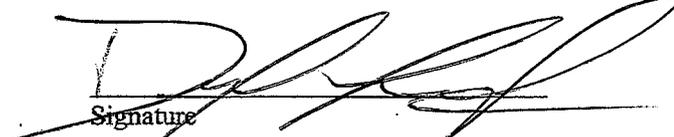
\_\_\_\_\_  
Date 12/8/08

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

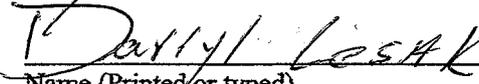
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 9/25/08

  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Victoria

\_\_\_\_\_  
Title ASS DIRECTOR ENV. SVC.

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

